

**WOODSTOCK PLANNING & ZONING COMMISSION
REGULAR MONTHLY MEETING
THURSDAY, APRIL 19, 2012, 7:30 P.M.
WOODSTOCK TOWN HALL, MEETING ROOM 1**

MINUTES

I. MONTHLY MEETING

- a. Call to Order – Meeting was called to order by Chair Gordon at 7:31 p.m.
- b. Roll Call – David Fortin, John Anastasi, Travis Serrine, Gail Dickinson, Jeff Gordon, Delia Fey, Fred Rich, Dexter Young, Dorothy Durst, Joseph Adiletta (7:36)
As noted for the record by Dr. Gordon, there is a quorum to conduct business.
Arriving late - Joseph Adiletta (7:36 p.m.)
Absent - Kenneth Goldsmith, Lynne White, Syd Blodgett

II. CITIZEN'S COMMENTS - None

III. DESIGNATION OF ALTERNATES - Travis Serrine is seated

IV. MINUTES

Meeting Minutes – February 2, 2012 and March 15, 2012

MOTION TO APPROVE MINUTES AS NOTED BY DAVE FORTIN/JOHN ANASTASI.

Dr. Gordon requests a change be made on the March 15, 2012 minutes under page 7, item B, towards the bottom, bolded text. "It is stated for the record that the prior meeting minutes were not clear that the applicant did not object to the members of the public talking without a public hearing scheduled." Also, at that March meeting, the applicant was once again asked if there was any objection. Attorney Hollister, speaking on behalf of the applicant, raised no objection. **MOTION CARRIED UNANIMOUSLY.**

(Joseph Adiletta present at 7:36 p.m.)

V. NONRESIDENTIAL ZONING PERMIT

Soleil & Suns Bakery, LLC, 51 Route 171, Unit 11, Little River Plaza – Change of use/business

Delia Fey states that this unit was previously approved for a retail store. The proposal for the bakery is a retail bakery. Applicant, William Beausoleil, is present to go over the details. **MOTION TO APPROVE THE CHANGE OF BUSINESS BY DAVE FORTIN/TRAVIS SERRINE. MOTION CARRIED UNANIMOUSLY.**

VI. NEW BUSINESS

#579-08-09 – M2 Woodstock Academy, Bentley Athletic Field Expansion – Modification to Special Permit (drainage and terraced seating)

Chuck Eaton, P.E. of CME is present and states he is managing the construction at WA for the proposal that was approved through Special Permit. Athletic field is currently under construction. These changes to drainage and terraced seating will be explained in detail at the required public hearing at the regular May 17th meeting.

Ms. Fey confirms that the application is complete. Additional engineering plan details will be provided before the public hearing. Design Professionals will also be reviewing the plan.

MOTION TO SCHEDULE A PUBLIC HEARING ON MAY 17, 2012 BY GAIL DICKINSON, SECONDED BY JOSEPH ADILETTA. MOTION CARRIED UNANIMOUSLY.

MOTION TO MOVE AGENDA ITEM X (ZEO REPORT) TO VII BY FRED RICH, SECONDED BY TRAVIS SIRRINE. MOTION CARRIED UNANIMOUSLY.

VII. ZEO REPORT

a. Report on Zoning Enforcement – April 2012

- 310 Roseland Park Road – unregistered junk cards. Cease and desist issued in March. Property owner is in the process of resolving with ZEO.
- 87 Barlow Cemetery Road – Currently working with ZEO to resolve the issue of cleaning up the stockpiled waste.
- 90 Barlow Cemetery Road – Getting permit and working with ZEO to resolve
- 14 Playground Drive – Zoning permit issued and is currently working with ZEO to resolve.
- Klansek dry hydrant – Deadline for the bond is May 1, 2012 and Fey has contacted Klansek regarding the money that is due to the town for engineering review. He agreed to the town deducting this amount from the bond. This agreement was in writing through e-mail. Klansek will be removing the sandbags from the water as recommended. Fey states if they are not removed by May 1st, commission should request that the highway department move them and then charge Mr. Klansek for the service. Recommendation from Fey is to release the full remaining \$1,000 bond but subtract the \$487.50 once the removal of the sandbags can be verified.

MOTION TO APPROVE THE RELEASE OF THE BOND, MINUS THE \$487.50, AFTER IT IS VERIFIED THAT THE SANDBAGS HAVE BEEN REMOVED FROM THE POND. IF NOT REMOVED, THAT EXPENSE WOULD BE SUBTRACTED FROM THE BALANCE AS WELL. SECONDED BY GAIL DICKINSON. MOTION CARRIED. John Anastasi abstains.

b. Report on Zoning Permits

- ### **c. #SP579-08-09 Woodstock Academy Bentley Field Expansion – Update**
- Fey visits the site regularly and details the progress for the Commission

VIII. PUBLIC HEARING AT 8:00 P.M.

a. #041912-1 Woodstock Academy – text amendment to address student housing

Attorney Ernest Cotnoir, 163 Providence Street, Putnam, CT, is representing Woodstock Academy on behalf of this text amendment application. There are

several changes being proposed to sections of the Woodstock Zoning Regulations to accommodate student housing for the Academy or any students in the town. The following information was provided to Commission members and available to the public through the ZEO/Town Planner: Letter from Attorney DeCrescenzo dated April 19, 2012; letter from Terry Bellman dated April 19, 2012; letter from Jock & Jean McClellan; Memo from Delia Fey as ZEO/Town Planner; Letter from Town of Pomfret; Letter from Conservation Commission Development Review Committee dated March 13, 2012. There is also a copy of the letter Chair Gordon sent out to the Building Official and Fire Marshal notifying them of public hearing and request for comments. Previous preliminary discussion that this amendment was based upon is nonbinding and therefore an overview of the text change was requested.

This change would accommodate a program that would allow WA to have a relatively small number of foreign students to live in a number of homes situated through the town. There are currently no specific provisions for that type of housing in our regulations. In the event an application is submitted for student housing, the ZEO, through the PZC, could grant a permit under certain circumstances that are detailed in the proposal to include: Building official approve the proposal for building code compliance; fire marshal approve the proposal for fire code compliance; health department approve the proposal for health code and water and sanitation compliance; there can be no structural exterior changes to existing building unless those are required for code compliance. Any such change even if required, would still need a normal building permit application. Historical District Commission should review. There is a minimum square footage requirement. All of the floor plans and proposals would need to be submitted for review and approved by the ZEO and/or PZC and a zoning permit issued pursuant to the regulations. There are provisions for parking for staff with no parking in any side or front yards. Student and student housing will be clearly defined in this amendment. Headmaster Caron gives a brief overview of the international program.

The following residents voiced their concerns:

Cliff Davis – Board of Trustees at WA. He supports the program.

Alexander Lyman – resident and owns property neighboring some of the current student housing. She supports the program, but questions what will happen to the properties in the summer months as to the maintenance.

Jean McClellan, 582 Route 169, appreciates the program and supports the concept, but voices her concerns in a letter entered into the record and also verbally before PZC. She recommends further revisions to better protect the neighborhood and offers suggestions to include a quota of these houses in the historic district.

Jim Kaeding, member of Board of Trustees of WA and also a member of the Conservation Commission, supports the international program.

Steve Rosendahl, member of the Board of Education and Trustees. He is however speaking as a resident and not in his official capacity. He is a great supporter of the international program for the development of our students and also for the financial assistance. He does not support a quota for student housing in the historic district

Tim Monahan – He resides in the historic district currently and does not want this neighborhood to decline. He is not against the international program but would like to protect the neighborhood and favors spreading the student housing throughout the town rather than in one area.

Doug Porter, 82 Cady Lane. His noted concerns are with the planning aspects of the proposal. He believes this is a significant change in the use of the property and there should be a public hearing under the special permitted process and not a use as of right. He believes this use should be held to the same standards of any commercial use and these properties should be on the sewers which address the higher use for occupancy.

Dan Atwood, 490 Route 169 (historic district neighborhood). He is speaking on behalf of the WPCA as their Chair, Vice Chair of the Historic District Commission and as an individual resident. WPCA would like an opportunity to discuss the text amendment and they will make this an agenda item at their next meeting on April 24. There is a sewer avoidance policy currently in place and there is a limited amount of flow that is allowed into the Town of Putnam where it is treated. No formal comment on behalf of Historic District at this time. On a personal note, Dan and his wife support the international program and believe financially it will be a benefit to WA.

Ed Higgins, 635 Route 197 – He does not believe the student housing should be subjected to the special permitting process. What is being proposed does allow for the review of the building official and fire marshal. He is in favor of the international program to help offset costs for WA.

Delia Fey invites the public to come to the town hall to review any of the records submitted for the file or contact her to obtain a copy. Fey is recommending a two phase process, special permit for phase one and renewal for phase two that she could review. Her comments are shared with the Commission in detail. Comments were received from building official and fire marshal. Commission discusses whether student housing should be addressed under the special permitting process or zoning permit and their comments and concerns are shared. Public hearing should remain open to allow for changes to be made to the amendment and to give WPCA and Historic District Commission enough time to comment. The regulations need to be specific on the difference between student housing and dormitory. As decided through discussion, the questions for the attorney are as follows:

1. Can PZC do a time limit on a special permit and require the renewal of that special permit?
2. If we have a zoning permit that requires the approval of the Commission, can PZC require a public hearing?

MOTION BY DICKINSON, SECONDED BY ANASTASI TO CONTINUE THE PUBLIC HEARING TO MAY 17, QUERY THE TOWN ATTORNEY ABOUT WHETHER THEY CAN LEGALLY REQUIRE A RENEWAL ON A SPECIAL PERMIT. ALSO, CAN PZC REQUIRE A PUBLIC HEARING ON THESE NON-RESIDENTIAL ZONING PERMITS THAT MUST COME BEFORE THEM? THIS DELAY WILL ALLOW THE OTHER BOARDS AND COMMISSIONS, TO INCLUDE WPCA AND HISTORIC DISTRICT COMMISSION, TO REVIEW PROPOSAL FOR COMMENTS FOR THE MAY MEETING. (Applicant will also be submitting revisions to this language and would like the public hearing to be left open for these revisions.)
MOTION CARRIED UNANIMOUSLY.

- b. **#041912- 2** Planning & Zoning – text amendment for deletion of appendix G, off-site directional sign (diagram)
(Newspaper legal ad was confirmed for April 6 and April 13).
 Changes were made to sign regulations and appendix G was not deleted at that time, as it should have been.

MOTION TO CLOSE THE PUBLIC HEARING BY DICKINSON/FORTIN. MOTION CARRIED UNANIMOUSLY.

- c. **#041912-3** Planning & Zoning – text amendment for modification to Art. VII, Section 3, Fees.

MOTION TO CLOSE THE PUBLIC HEARING BY DICKINSON/FORTIN. MOTION CARRIED UNANIMOUSLY.

VIII. UNFINISHED BUSINESS

- a. **#605-03-12** Dave & Jen Dean Brown, 232 West Quasset Road (Map 6393, Block 65, Lot 226-2) – 2 Lot Re-subdivision
 Letter dated April 7th from the applicant, Paul Archer, requesting the postponement of the opening of the public hearing until May 17th. The attorney was apparently scheduled to attend a different meeting on the same night.

MOTION BY FORTIN/SIRRINE TO ACCEPT THE LETTER OF REQUEST. It is noted that the applicant/property owner will be obligated to pay for the second posting of legal ads since this is an additional cost to the town.

- b. **#041912-1** Woodstock Academy – text amendment to address student housing

(Public hearing continued to May 19, 2012).

c. #041912-2 Planning & Zoning – text amendment for deletion of appendix G, off-site directional sign (diagram)

MOTION BY DICKINSON/ANASTASI TO APPROVE #041912-2. MOTION CARRIED UNANIMOUSLY.

d. #041912-3 Planning & Zoning – text amendment for modification to Art. VII, Section 3 Fees.

MOTION BY DICKINSON/FORTIN TO APPROVE #041912-3. MOTION CARRIED UNANIMOUSLY.

MOTION BY ADILETTA/ANASTASI TO CONTINUE BUSINESS AFTER 10:00 P.M. MOTION CARRIED UNANIMOUSLY.

IX. BUDGET REVIEW AND BILLS

- a. Bills
- b. Budget review

X. CITIZEN'S COMMENTS

Durst asks if the town can recover some of the legal bill showing for the previous application, Chamberlin Land Trust?

X1. CORRESPONDENCE.

- a. April 4, 2012 notice from CT Siting Council re: notice of intent to modify cell tower
- b. March 28, 2012 letter from Attorney DeCrescenzo re: case law for inspections by ZEO
- c. March 2, 2012 statement from CT Chapter of the American Planning Assoc re: Act concerning liability of ZEO
- d. Town of Dudley Public Hearing notice, April 11, 2012, 7:30 p.m. at Dudley Municipal Center, Room 321-A
- e. Draft 2013-2018 Conservation & Development Policies Plan for CT

XII. MINUTES OF OTHER BOARDS AND COMMISSIONS

XIII. EXECUTIVE SESSION – PENDING LITIGATION

As stated for the record by Chair Gordon, per State Statute 1-200c 6 B, PZC is requesting an executive session regarding a legal matter. A short break is given at this point.

(Short recess).

**MOTION BY DICKINSON/ANASTASI TO GO INTO EXECUTIVE SESSION PURSUANT TO STATE STATUTE 1-200 6B. (10:12 P.M.)
MOTION CARRIED UNANIMOUSLY.**

**MOTION BY DICKINSON/SIRRINE TO COME OUT OF
EXECUTIVE SESSION (10:30 P.M.) MOTION CARRIED
UNANIMOUSLY.**

XIV. OTHER

1. Due to the pending litigation and the involvement of the town attorney, PZC may exceed their budgeted legal fee line item and therefore should notify the Board of Finance so they are aware.
2. PZC member questions ZEO on signs that are presently located at Sherwoods Restaurant and whether there is an increase.

XV. ADJOURNMENT

**MOTION TO ADJOURN BY YOUNG, SECONDED BY RICH AT
10:32 P.M. MOTION CARRIED UNANIMOUSLY.**

Respectfully Submitted,

Tina M. Lajoie, Clerk
Planning & Zoning Commission

DISCLAIMER:

These minutes have not yet been approved by the Planning & Zoning Commission. Please refer to next month's meeting minutes for approvals and/or amendments to these minutes. The audio recording is available by contacting the Town Planner/ZEO's office at 860-963-2128 (x332).